

**Claim Rejections under 35 U.S.C. §102**

Claims 1, 2, 4 and 5 stand rejected under 35 U.S.C. §102(b) as being unpatentable in view of Sakai (JP 41001338). Further, claim 1 stands rejected under 35 U.S.C. §102(b) as unpatentable in view of Ono et al. (JP 362285532). The rejections of these claims are respectfully traversed.

Sakai teaches an electric power transmission control system for radio communication. The control system alters transmitted electric power based upon whether an ACK signal or a NACK signal is actually received by a radio communication apparatus. When data is transmitted to a station, an ACK and/or NACK signal is received by the radio communication system. The radio communication system retransmits the data when the NACK signal is received. Further, when ACK signals are actually received at a predetermined frequency, the transmitter power is reduced by a predetermined amount, and when NACK signals are actually received at a predetermined frequency, the transmitted power is raised by a predetermined amount.

There is no teaching or suggestion within the Sakai patent document that approaches the limitations of independent claim 1. In particular, Sakai fails to teach or suggest at least "adjusting the transmit power of a wireless transmitter in relation to a number N of expected ACKs for radio transmissions." Sakai discloses a time based system

wherein transmitted power is increased or decreased based upon actually receiving either a predetermined number of ACK or NACK signals. Specifically, when a predetermined number of ACK signals are received in a predetermined time period (i.e., predetermined frequency), the transmitted power is reduced by a predetermined amount, and when a predetermined number of NACK signals are received in a predetermined time period (i.e., predetermined frequency), the transmitted power is raised by a predetermined amount.

Thus, Sakai discloses a control system that controls transmitted power based upon *actually* received signals referenced to time. Sakai fails to teach or suggest a system wherein the transmit power is adjusted based upon the *expected* acknowledgements for radio transmissions. Contrary to the assertion in the Office Action, non-acknowledge signals are not the equivalent of expected acknowledge signals. For example, in response to a transmitted data packet, the system may receive neither an ACK nor a NACK signal (e.g., a signal may be missed or lost after transmission). Claim 1 recites a method that includes "adjusting the transmit power of a wireless transmitter in relation to a number N of expected ACKs for radio transmissions," not on the frequency at which ACKs and NACKs are actually received, and therefore provides substantial advantage over the system of Sakai (e.g., more efficient power control is provided using expected ACKs instead of using the frequency of

NACKs, which may never be received, thereby skewing the frequency). Therefore, Applicants respectfully submit that Sakai fails to disclose each and every claim limitation as required by independent claim 1 and the rejection under 35 U.S.C. §102(b) is improper.

Further, claims 2, 4, and 5 are dependent upon claim 1 and are likewise allowable for the same reasons that claim 1 is allowable.

Claim 1 also stands rejected in view of Ono et al. Ono et al. discloses a satellite communication system that includes a central supervisory station with a higher reception performance index in comparison with that of earth stations, and having a data store and forward exchange. In operation, if a reception acknowledge signal is not received for a predetermined time period after a first earth station sends a packet to a second earth station, a packet  $P_c$  stored temporarily in the store and forward exchange is sent so as to increase the effective equally radiated power from a communication satellite by a predetermined value. This is a predetermined value that is more than the reference value sent normally from the earth stations. Ono et al. fails to teach or suggest "adjusting the transmit power of a wireless transmitter in relation to a number  $N$  of expected ACKs for radio transmissions" as required by claim 1. Ono et al. teaches a power control system for increasing radiated power from a communication satellite using a predetermined or prescribed *time period* relating to the reception of an acknowledge signal.

Therefore, Applicants respectfully submit that Ono et al. fails to disclose each and every claim limitation as required by independent claim 1 and the rejection under 35 U.S.C. §102(b) is improper.

**Claims Rejections under 35 U.S.C. §103**

Claim 3 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Sakai as applied to claim 1 and further in view of Honkasalo et al. (U.S. Patent No. 5,995,496).

Honkasalo et al. teaches a method of controlling transmission power in a terminal device of a cellular radio system that provides a default transmission power in a first state, and in a second state controls the transmission power based upon feedback information on the quality of the data link provided in acknowledgment messages. The feedback information includes the difference between the target quality and the measured quality of the link.

There is no teaching or suggestion within Honkasalo et al. that makes up for the deficiencies in Sakai and that approaches the limitations of claim 3, which depends from claim 1. Specifically, and as discussed above, Sakai fails to disclose each and every claim limitation as required by independent claim 1. There is no teaching or suggestion in Honkasalo et al. that provides in combination with Sakai for disclosing each and every claim limitation in claim 1. Further, and with respect to

claim 3, Honkasalo et al. fails to teach or suggest at least “determining an initial transmit power for said wireless transmitter based on a measurement of a signal received over said wireless link.” Honkasalo et al. discloses using feedback to control transmission power in a second state, but does not disclose using “a measurement of a signal received” for setting a default value.

Therefore, Applicants respectfully submit that the combination of Sakai and Honkasalo et al. fail to disclose each and every claim limitation as required by claim 3, which depends from independent claim 1, and the rejection under 35 U.S.C. §103(a) is improper.

**Allowable Subject Matter**

Applicants acknowledge with appreciation that claims 6 and 7 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Because claims 6 and 7 depend from allowable independent claim 1, Applicants are not re-writing these claims in independent form.

## **CONCLUSION**

Accordingly, in view of the above amendments and remarks, and all of the stated grounds of rejection having been properly traversed, accommodated, and/or rendered moot, reconsideration of the rejections and allowance of each of claims 1-7 in connection with the present application is earnestly solicited. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is condition for allowance.

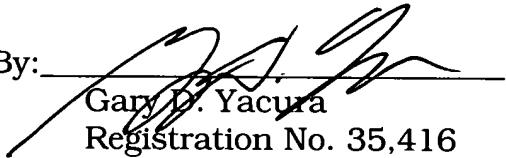
Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicants hereby petition for a one (1) month extension of time for filing a reply to the outstanding Office Action and submits the required \$110.00 extension fee herewith.

Should there be any outstanding matters that need to be resolved in the present application before allowance thereof, the Examiner is respectfully requested to contact the undersigned at (703) 390-3359.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. 1.16 or under 37 C.F.R. 1.17; particularly, extension of time fees.

Respectfully submitted,

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